

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

Crl.Rev.Pet.No. 1436 of 2007()

AGAINST THE ORDER IN CRL.M.A.NOS.6068/06,6069/06
AND .6067/2006 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
.....

REVN. PETITIONER: COMPLAINANT

ANIL KUMAR, S/O.M.C.BHURA,
PROP: M/S.RISHABH INFOTECHS 39/4768,
M.G.ROAD, NEAR CENTRAL BANK OF INDIA,
RAVIPURAM JUNCTION, KOCHI - 16.

BY ADV. SRI.V.P.PRASAD

RESPONDENTS: ACCUSED

1. RAKESH SHARMA,
S/O.JAGADISH PRASAD SHARMA,
PRO: M/S.SRI.GANESH INFOTEC, CC NO.8/1220(A),
NEAR CTD TEMPLE, SOUTH CHERLAI, KOCHI - 682 002
(R/AT CC NO.8/133(A), PRABHU BAGH STREET,
SOUTH CHERLAI, KOCHI - 682 002.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
R2 BY P.P. SRI C.M. KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 1436 of 2007

Dated this the 15th day of June, 2007

ORDER

The revision petitioner is the complainant in Crl.M.P Nos. 6067 (A), 6068(A) and 6069(A), the proceedings initiated with respect to the offence under section 138 N.I.Act. The applications were dismissed as the delay of 30 days was not properly explained. The revision petitioner has relied on the decision of this court in **Abdurehiman v. Sethu Madhavan**(2006 (4) KLT 33) and **M.Muraleedharan v. M/s. Sreeram Investment Ltd.**, (2005(3) KLJ 508).

2. In the circumstances, the order of the court below is set aside. The court below is directed to reconsider the matter and permit the parties to adduce evidence if so they desire, and disposed of the matter on merit. The parties shall appear before the CJM, Ernakulam on 10-7-2007.

the Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/

